

REMARKS

Claims 1-17 and 24 were rejected under 35 USC 103(a) as being unpatentable over Blubaugh et al. in view of Munch et al. With respect to independent claims 1, 10 and 24, the Examiner states that Blubaugh discloses all of the claimed elements. He further states that Blubaugh fails to show the sensor housing adapted for external connection to the linkage system and that Munch teaches such an externally connection of a sensor housing to a linkage system. Applicant respectfully disagrees with the Examiner's strong reliance on the teachings of Blubaugh. Applicant finds it somewhat difficult that the Examiner considers the sensor port 32 as the first sensor housing member and likewise how he considers the pressure pipe 40 as the second sensor housing member. Furthermore, considering the Examiner's line of reasoning, the second sensor housing member 40 (as defined by the Examiner) is not slidably received within the first sensor housing member 32. The member 40 of Blubaugh is connected to or a part of the sensor 38, it is not telescopically received within the first sensor housing member 32 as defined by the Examiner. The Examiner sets forth the language in col. 3, lines 45-48 as part of his reasoning. However, in lines 45-48, it merely states that the pressure pipe 40 telescopes into the passage 42 not the sensor port 32. The member 40 of Blubaugh is a pressure pipe and cannot be a second housing member as set forth in the subject claims. The sensor 38 of Blubaugh includes both the pressure pipe 40 and the magnet 44. Therefore, it is hard to understand how the Examiner can conclude that the sensor 38 represents the first sensor portion of the subject claims. From Applicant's viewpoint, at best the pressure pipe 40 might be considered the first sensor portion and the magnet 44 might be considered the second sensor portion. However, when making such a consideration, the Blubaugh reference does not teach or suggest the remaining limitations of the claims. The teaching of Munch only teaches an externally mounted sensor arrangement having members that telescope within one another. Applicant fails to see the teaching that would lead one skilled in the art to place the teachings of Blubaugh in the arrangement of Munch.

In order to more clearly define the subject invention, Applicant has elected to amend the claims. In particular, independent claim 10 has been canceled and independent claims 1 and 24 have been amended to include at least the limitations that the second sensor portion is guidably received in the first sensor housing member and that the first sensor

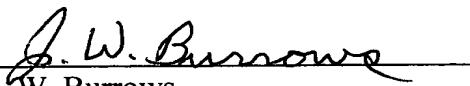
portion is at least partially enclosed by and guidably received in the second sensor housing member. The added limitations are not taught or suggested in the art of record.

For clarity sake, claims 1 and 24 have been further amended by setting forth that the position sensor assembly registers a position of the first linkage relative to the second linkage member as a result of the interaction between the first and second sensor portions. Claim 1 has also been amended to include the limitation of a modular housing member having a sensor module disposed therein. This limitation has been added to complete the externally mounted position sensor assembly 10. The added limitation generally relates to the electronic module 48 of the Blubaugh reference and is connected to the first sensor housing member. This added limitation further illustrates the differences of the subject concept and its external mounting relative to the teaching of Blubaugh and/or the combination of Blubaugh and Munch.

To further reduce the issues, dependent claims 2,6,8,9 and 11-17 have been canceled. It is believed that the remaining dependent claims when taken in combination with the claim(s) they depend from are allowable over the art of record.

It is respectfully urged that the subject application is in condition for allowance and allowance of the application at issue is respectfully requested.

Respectfully submitted,


J. W. Burrows
Registration No. 29,623
Patent Agent
Caterpillar Inc.

Telephone: (309) 675-1056 (Jeff Greene)
Facsimile: (309) 675-1236